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Committee on the Elimination of Discrimination against Women

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List of abbreviations

AP	Action Plan
BD BiH	Brčko District BiH
BiH AS	Agency for Statistics of BiH
BiH	Bosnia and Herzegovina
CIK	Central Election Commission of BiH
DEI	Directorate for European Integration of BiH
DKPT BiH	Directorate for Coordination of Police Bodies of BiH
EIGE	European Institute for Gender Equality
EC	European Commission
EU	European Union
FBiH	Federation of BiHFBIH
FIGAP	Financial mechanism for implementation of the Gender Action Plan of BiH
FMoES	Federal Ministry of Education and Science
FMUP	Federal Ministry of the Interior
FPA	Federal Police Administration
GAP BiH	BiH Gender Action Plan
GCRS	Gender centre–Centre for non-discrimination and gender equality of the Government of Republika Srpska RS
GCFBiH	Gender centre of the Government of the Federation of BiH
GEC	Gender Equality Commission of the House of Representatives of the Parliamentary Assembly of BiH
GEL	Gender Equality Law
GEA BiH, MHRR BiH	The Gender Equality Agency of the Ministry of Human Rights and Refugees of BiH
HIV	Human immunodeficiency virus
HJPC	High Judicial and Prosecutorial Council
IRBRS	Investment and Development Bank of Republika Srpska
CB	Coordination Board
CoE	Council of Europe
CoM	Council of Ministers
LGBTI	Lesbian Gay Bisexual Transgender Intersexual
LPD	Law on Prohibition of Discrimination in BiH
MICS	Multiple Indicator Cluster Survey

MoD BiH	BiH Ministry of Defence
MAFWM RS	Ministry of Agriculture, Forestry and Water Management
MoS BiH	BiH Ministry of Security
MoI	Ministry of the Interior
MFA BiH	Ministry of Foreign Affairs of BiH
AF BiH	Armed Forces of BiH
OSCE	Organization for Security and Co-operation in Europe
HoR PA	House of Representatives of the Parliamentary Assembly
RS	Republika Srpska
SC	Steering Committee
UN	United Nations
USAID	US Agency for International Development
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNHCR	UN High Commissioner for Refugees
UNSCR 1325	UN Security Council Resolution 1325 "Women, Peace and Security

Part I

Article 1: Discrimination against women

1. Gender Equality Law in BiH (hereinafter: GEL),[1] and Law on Prohibition of Discrimination of BiH (LPD)[2] provide legal framework for gender equality in BiH. Mechanisms for protection against discrimination were improved in line with the EU directives. In cases of direct and indirect discrimination, and incitement to discrimination, according to the provisions of the LPD, the initiation of civil proceedings was enabled. Harassment or sexual harassment and acts of gender-based violence are subjected to the claim before the prosecution, in accordance with the standards of criminal legislation in BiH, under which the procedure is being conducted.

2. The Law on Amendments to the Law on Prohibition of Discrimination of BiH, adopted in 2016,[3] provided a better definition of discrimination. The list of prohibited discrimination grounds is expanded and they now explicitly include age, disability and sexual orientation. The position of the victim was improved by use of more effective protection mechanisms, in particular the judicial proceeding for protection against discrimination.

3. The Law on Prohibition of Discrimination and the Rulebook on the Collection of Data on Discrimination Cases in BiH stipulate that the competent institutions in BiH are obliged to regularly keep records of all reported cases of discrimination and to submit the collected data to MHRR BiH. In April 2016, the Council of Ministers of BiH (CoM BiH) adopted the Report on the occurrence of discrimination in BiH, along with the Action Plan for implementation of measure proposal to prevent the occurrence of discrimination in BiH.

Articles 2 & 3: Measures to eliminate discrimination against women

4. An important measure for eliminating discrimination against women is provided by establishing institutional mechanisms for gender equality in BiH, which is regulated by the GEL. (Annex II -the scheme of gender institutional mechanisms in BiH).

5. Harmonization of laws and policies with the GEL makes an important measure for eliminating discrimination against women. GEL in the Article 24 paragraph (4) states that authorities at all tiers of government are obliged, before submitting to the legal procedure, to submit all regulations and other acts within their jurisdiction to the opinion of institutional mechanisms for gender equality for harmonization with the GEL.

6. GEA BiH, MHRR BiH and the entity gender centres continuously provide opinions on legal and other acts, and recommend ways to align with the GEL and other legal standards on gender equality. In the reporting period, a continuous annual increase of around 30 per cent in number of submitted acts that requested the opinion of GEA BiH, MHRR BiH or Entity Gender Centres on compliance with the GEL was recorded.

7. In 2015, GEA BiH, MHRR BiH prepared the Information on the Compliance of draft laws and other regulations with the GEL, which was submitted to the CoM BiH in January 2016. All the institutions have been provided with an act, reminding them

[1] The Official Gazette of BiH, number 32/10.
[2] The Official Gazette of BiH, number 59/9, 66/16.
[3] The Official Gazette of BiH, number 66/16.

of an obligation to obtain opinion of GEA BiH, MHRR BiH on legal acts and bylaws before their submission for adoption.

8. In 2015, the GEA BiH, MHRR BiH gave the opinion to the total of 32 legal acts and bylaws, and in 2016 the number of materials was increased to 45 acts. Number of submitted and processed legal acts on compliance with the GEL increased in about three times for the period of 2013–2016, and these acts are mostly related to the area of security, judiciary, public administration and statistics. In 90 per cent of cases, the suggestions made by GEA BiH, MHRR BiH were accepted.

9. The BiH Directorate for European Integration (DEI) instructed the institutions of BiH to include, where applicable, gender dimension in situation analysis and sex disaggregated statistical data when providing written inputs to the Annual Report of the European Commission (EC). The situation analysis in the allocation proposals of IPA 2016 and IPA 2017 include gender dimension. In the allocation proposal of the IPA 2017, the Action document envisages the establishment of a system for implementation monitoring of the GEL, accompanied by the comprehensive public campaign. Moreover, the CoM BiH has adopted the Guidelines for Reporting to the EC in the process of EU Integration, which includes provisions on ensuring the gender dimension.

10. The GC FBiH gives opinions on compliance with the provisions of the GEL on all submitted regulations and policies. In 2015-2016 an analysis of regulations was made which were considered by the Government of FBiH. GC FBiH gave 18 opinions on regulations and policies, and on 24 documents the recommendations were given in order to ensure a strategic approach in implementing gender equality standards. The main areas of harmonization were: work and employment, public administration, health and social protection.

11. RS GC has prepared a special Report on the harmonization of laws and other regulations of the RS with legal standards of gender equality and the Special Report on cases of examining the violation of the rights based on gender in proceedings before the Gender Centre of RS. The reports contain data as of founding of the RS GC, until 31 December 2016, and they were adopted by the Government of RS in March 2017, and by the National Assembly of RS. In the reporting period, the GC RS gave 143 opinions on the laws and by-laws. In 85 per cent of cases, proposers of the acts have accepted the recommendations of the GC RS, especially those aimed at ensuring equal gender representation in the authorities and bodies established by the regulations. The laws adopted in the reporting period which contain provisions on the prohibition of discrimination on the grounds of gender, relate to domains of public administration, labour and employment, education, culture and finance.

12. The Gender Equality Commission of the House of Representatives of Parliamentary Assembly of BiH (GEC), the Gender Equality Commission of the House of Representatives of the Parliament of the FBiH and the Committee for Equal Opportunities of the National Assembly of RS provide continuous support to harmonization of legislation and the process of introducing and applying gender equality standards. GEA, MHRR BiH and entity gender centres achieve successful cooperation with said parliamentary commissions through joint collaboration on amendments of the laws and policies, reviews of regular reports on the gender equality situation, organization of thematic sessions and regular promotional activities.

13. An example of cooperation between GEA BiH, MHRR BiH and GEC is the work on amendments to the Labour Law and the Law on Salaries in the Institutions of BiH, the proposal of the amendments to the Electoral Law aiming at increasing the quota for less represented gender on candidate lists to 50 per cent, and the Law on the Council of Ministers of BiH proposing to introduce a quota of 40 per cent of the less

represented gender. Although some legislative initiatives were not accepted, they provided grounds for continuation of successful collaborative work, such as the introduction of gender-sensitive language into the work of the Parliamentary Assembly of BiH. Based on the document „Instructions on the use of gender-sensitive language in the Parliamentary Assembly of BiH", at the proposal of GEC, Amendments to the Uniform Rules for Drafting Legal Regulations in the Institutions of BiH[4] were adopted in 2014, in accordance with the GEL, which require that the principles of gender equality respect the future regulations adopted by the BiH CoM and the Parliamentary Assembly of BiH.

14. In order to systematically introduce the principle of gender equality in all domains of public and private life, the CoM of BIH has adopted the second BiH Gender Action Plan (GAP BiH)[5] for the period 2013-2017, and obliged all relevant BIH institutions to get actively involved in implementation of activities planned within this document.

15. In accordance with Recommendations 18 CEDAW/C/BIH/CO/4-5, efficient mechanisms of cooperation among gender equality bodies and relevant ministries have been established to ensure efficient implementation of GAP BiH. CoM BiH appointed the Steering Committee (SC) for coordination and monitoring of implementation of BiH GAP [6] and Coordination Board (CO) for monitoring implementation of BiH GAP at the state level[7] institutions, whereas the Governments of FBiH and RS appointed coordination boards of entity level institutions.[8] SC GAP BiH consists of: directors of GEA BiH, MHRR BiH, GCFBiH and the GCRS.

16. Coordination boards of institutions for monitoring of implementation of BiH GAP develop annual operational plans for implementation of BiH GAP and annual reports that are to be approved by the SC. Establishing of the boards improved the implementation of GAP and Agencies and gender centres' cooperation with institutions at all governmental levels. This cooperation resulted in changes and amendments of laws and bylaws and initiatives for adoption and implementation of provisional special measures in GAP priority areas.

17. By the end of 2016, implementation of BiH GAP was mostly financed from the funds of Financial Mechanism for the Implementation of the Gender Action Plan of BiH (FIGAP).[9] In April 2016, the CoM of BiH adopted the Information on final evaluation of FIGAP programme, acknowledging its efficiency and sustainability in terms of achieving goals and objectives. FIGAP provided support for around 65 institutional projects and 80 NGO projects implemented in partnership with institutions at levels of government. Gender institutional mechanisms have provided professional and technical support to the institutions implementing projects. Over 100 consultations and more than 500 trainings addressed gender equality, and most of them have been incorporated into the regular training curricula delivered for various target groups both at BiH and entity levels. The end result was that some of the institutions started systematic, independent planning and implementation of activities aimed at achieving gender equality; however, most of them still depend on the

[4] The Official Gazette of BiH, number: 58/14.
[5] The Official Gazette of BiH, number: 98/13.
[6] The Official Gazette of BiH, number 40, dated 31 May 2016.
[7] The Official Gazette of BiH, number: 66/16 dated 06 September 2016.
[8] The Decision of FBiH Government, V.number: 929/2015, dated 16 July 2015, and the Official Gazette of Republika Srpska, number 77/15 and 92/15.
[9] FIGAP – was set up on the grounds of Joint Financing Agreement of the Council of Minister of BiH and a group of donors (development agencies of Sweden, Austria and Switzerland), signed at the end of 2009, and valid, with extensions throughout the end of 2016.

technical facility provided by the Agency, GCFBIH and the GCRS. For that reason Final evaluation suggested continuation of financial support to GAP implementation.

18. GEA BiH, MHRR BiH in cooperation with entity gender centres, drafted FIGAP II Programme Proposal (2017-2021) and Swedish Sida expressed readiness to provide financing. The procedure of signing of the Agreement between the MHRR BiH and Swedish Sida covering the period 2018-2022 is under way. The key role players in the process are the Agency, GCFBIH, GCRS and the mechanisms of cooperation among these institutions, and other institutions at all governmental levels in BiH, as well as the NGO sector.

19. Since the GEA BiH, MHRR BiH, the GCFBIH and GCRS provide continuous professional and administrative support to institutions authorized to implement BiH GAP, the Committee Recommendation 18 also calls upon strengthening of human, technical and financial resources of the institutional gender mechanisms, primarily their capacities, visibility and the influence of the GEA BiH, MHRR BiH, which still suffers lack of human resources. This is an obstacle to efficient functioning of the GEA BiH, MHRR BiH, specifically taking in mind the continuous increase in the workload caused by adoption of the new sectorial strategies and action plans that will be elaborated further in this report. The assumption is that with the establishment of a new FIGAP, there will be further opportunities for strengthening the capacity of gender institutional mechanisms.

20. An independent evaluation which was undertaken after expiration of the initial Action Plan on Implementation of the UN Resolution 1325 "Women, Peace and Security", for the period 2010–2013 (AP UNSCR 1325), acknowledged remarkable progress in the introduction of gender issues and representation of women in the defence and security sectors. Success of the applied model of inter-institutional cooperation through the actions of Coordination Board (CB) for Monitoring of Implementation of the AP UNSCR 1325 was stressed, as well as the key role of GEA BiH, MHRR BiH, responsible for managing and coordinating the adoption, implementation and reporting on Action Plan. Based on the findings and recommendations of this evaluation, the follow-up AP UNSCR 1325 for BiH was developed in full cooperation between competent institutions and non-governmental organizations.

21. In 2014, the CoM BiH adopted the second AP UNSCR 1325 for 2014-2017.[10] The AP UNSCR 1325 [11] Coordination Board (CB) was appointed and staffed accordingly, consisting of representatives of 18 competent institutions at the state and entity level, including the entity gender centres, and one representative of non-governmental sector. Additionally, Coordination Group of NGOs that signed the Memorandum of Cooperation with CB AP UNSCR 1325 was established, appointing their representative to this CB.

22. AP UNSCR 1325 Monitoring and Evaluation Plan (M&E) was developed with quantitative and qualitative indicators for each goal and expected objective. The significance of this M&E plan is its application in practice, which significantly simplified and improved the participatory process of annual activity planning, implementation, monitoring and reporting. Hitherto, CoM BiH has adopted two Annual reports on implementation of the AP UNSCR 1325 in BiH, thus confirming the progress in implementation. BiH was recognized at the regional and international level for its good and innovative practice. The results achieved in certain areas are listed in this report within the relevant articles of the Convention. Below are some general indicators of success in the implementation of AP UNSCR 1325.

[10] Official Gazette of BiH, number: from 17 November 2014.

[11] Official Gazette of BiH, number 20/15, 55/16.

23. Second AP UNSCR 1325 in BiH, introduced a new strategic objective: increasing the level of human security from the perspective of gender equality, serving as platform for initiatives at the local level. Five local action plans have been adopted and development of plans in three other local communities was initiated. These plans focus on security issues and threats faced daily by citizens in private and public places, including: gender-based violence and discrimination, limited access to natural and economic resources, endangering security related to natural disasters (such as recent floods), inadequate street lighting and public transport, etc. BiH's activities in implementing the UN SCR 1325 at the local level have been highlighted as an example of good practice in the "Global Study on Implementation of UN Resolution 1325"[12] which was drafted at the request of the UN Security Council's Secretary-General.

24. The regional cooperation between BiH and countries of the region through the exchange of good practices and professional and financial resources represents an important segment of the implementation of AP UNSCR 1325. In July 2014, recalling the Regional Declaration on Cooperation of the Western Balkans and the Mediterranean (North African countries) from 2013, the Joint Declaration on Co-operation of Institutional Mechanisms for Gender Equality in the Western Balkan countries was signed, defining common priorities, including gender and security areas. An example of regional cooperation is the adoption of the Local Action Plan for implementation of the UNSCR 1325 for the City of Niš (Serbia), which was entirely modelled on the methodology of developing local action plans in BiH, with the technical support of GEA BiH, which signed a Memorandum of Cooperation with the City of Niš.

25. Cooperation has also been achieved at the international level, promoting good practices of BiH. In 2016 and 2017, at the invitation of the governments of Finland, Moldova and Albania, the GEA BiH, MHRR BiH directly participated in drafting their national action plans, which followed the structure of the BiH Action Plan.

26. Given the lack of funds from the regular budgets of institutions, the implementation of the AP UNSCR 1325 in BiH was partially funded from the FIGAP programme. Out of the total of 1.5 million KM grants to non-governmental organizations, one third of the funds were allocated to projects directly or indirectly aimed to the implementation of the UN SCR 1325.

27. There is a visible progress in systematic approach to introducing the principles of gender equality into the work of the relevant defence and security sector institutions. Trainings on gender equality are included in regular training programmes. The network of appointed gender focal points in all defence and security institutions was expanded. Sex disaggregated databases have been further improved and regularly updated. The introduction of affirmative measures increased women's interest in military and police professions, moreover they increased the number of women who have been sent to peacekeeping missions (for example, according to the data of the BiH Ministry of Security, the number of women in peacekeeping missions increased from around 16 per cent in 2009 to 30 per cent in 2016).

28. CEDAW Committee drew attention to the insufficient implementation of strategies, action plan and programmes addressed to solving the problem of survivors of sexual violence during the war in BiH, which also represents one of the goals of the AP. Thus, the relevant Recommendations 10 (a) of the UN CEDAW Committee is focused on the area: Women in Post-Conflict Situations, which will be elaborated in the text below.

[12] The study is available on the website of the GEA BiH: http://arsbih.gov.ba/wp-content/uploads/2015/12/UNW-GLOBAL-STUDY-1325-2015.pdf.

29. In accordance with Recommendation 10 (a) CEDAW/C/BIH/CO/4-5 on State Strategy for War Crimes, in 2015 the CoM BiH adopted the "Information of the BiH to the UN CEDAW Committee", providing details on implementation of this recommendation. In 2016, there was increase in the number of completed cases, as compared to previous years, which was the result of significant increase in the number of war crimes indictments with elements of sexual violence. This is demonstrated by the fact that in 2011 the number of prosecuted persons was 13, in 2016 this number was increased to 22, while in February 2017 before the BiH Court total number of 46 criminal cases were pending, in which the accused have been charged with crimes with elements of sexual violence committed during the war. (Annex II-Tables 5 and 6).

30. In 2016, the Prosecutor's Office of BiH had 181 of the most complex war crimes cases at the reporting stage, while 147 cases were in the investigation phase. In the same year, 61 most complex cases of war crimes were handled before the Court of BiH. Since the Court commenced the work (in 2002) until the end of 2016, total of 70 persons (of which three were women) were prosecuted before this court due to war crimes with elements of sexual violence committed against women. 53 persons (two women) were convicted, while 17 (one woman) were exempt from charges. Convicted individuals have been sentenced to imprisonment in total duration of 695 years.

31. In order to implement Recommendation 10 (b) CEDAW/C/BIH/CO/4-5, amendments to the Criminal Code of BiH[13] have been adopted, defining sexual violence as a war crime and a crime against humanity. Amendments superseded earlier condition for the use of force, i.e. a request to prove that the sexual intercourse came without consent only in circumstances that imply direct use of force or a threat to use force. This law applies in all war crime cases, regardless of which judicial authority handles the proceedings.

32. The Law on Amendments of the FBiH Criminal Code from 2014[14] was amended by imposing prison sentences for public denial or justification of genocide, crimes against humanity or committed war crimes determined by a final judgement of the International Court of Justice, the International Criminal Tribunal for the former Yugoslavia or the domestic court. The 2016 Law on Amendments to the FBiH Criminal Code[15] provides definition of hate crime as a criminal offense committed by the offender's bias against a race, skin colour, religious belief, national or ethnic origin, language, disability, gender, sexual orientation or gender identity of another person. This law provides appropriate sentences of imprisonment for qualified forms of criminal offenses of murder, serious bodily harm and rape committed out of hatred, including the criminal offense of property damage. Furthermore, the RS Criminal Code[16] criminalizes the offense of "Public provoking and instigating violence and hatred" and it provides penalties or sentences of up to three years of imprisonment for any recourse, provocation or instigation of violence or hatred directed towards a particular person or groups, due to their national, racial, religious or ethnic affiliation, skin colour, sex, sexual orientation, disability, gender identity, origin or other qualities. The jurisprudence and the criminal policy of the Brčko District Court of Appeal are in line with the BiH Criminal Code and international standards, including the definition of rape and war crimes against humanity.

33. Related to the Recommendation 10 (c) CEDAW/C/BIH/CO/4-5 MHRR BiH drafted Proposal of Programme for Victims of Wartime Rape, Sexual Abuse and Torture, and their Families in BiH (2013-2016), which was not adopted because it did

[13] The Official Gazette of BiH, number 40/15.
[14] The Official Gazette of FBIH, number 76/14.
[15] The Official Gazette of FBIH, number 46/16.
[16] The Official Gazette of Republika Srpska, number 64/17.

not receive support from all levels of government in BiH. Furthermore, neither the Transitional Justice Strategy nor the Law on the Rights of Victims of Torture in BiH was adopted, and they were listed number of times in the Work plan of the CoM BiH.

34. The issue of victims of torture and civilian victims of war regarding achievement of equal status and access to rights and protection are regulated at the entity levels of the RS and FBiH, and the level of BD BiH, and their access to rights depends on the place of residence. In 2016, the RS Government has introduced the RS Preliminary Draft Law on Victims of War Torture, aiming to solve the status and provide social assistance to survivors, including women victims of sexual violence during the war. It is expected that the legislative procedure will be completed in 2017.

35. In line with Recommendation 10 (d) CEDAW/C/BIH/CO/4-5 the new Law on Witness Protection Programme BiH [17] was adopted in 2014, to ensure effective witness protection before, during and after the criminal proceeding and to allow them free and open testimony. Law stipulates that decision to include a witness into the programme is made by a special Programme Implementation Commission, consisting of the Judge of the Court of BiH, the Prosecutor of the Prosecutor's Office of BiH and the Head of the Witness Protection Department of the State Investigation and Protection Agency, while organization and implementation of protection programmes at the operational level falls within the competence of Witness Protection Unit.

36. Witness Support Offices were established in the following institutions: the BiH Court, the BiH Prosecutor's Office, District Prosecutor's Offices and District Courts in the RS, Cantonal Courts and Prosecutor's Offices in FBiH, and in the Basic Court of the BD BiH. Witness Support Offices employ psychologists providing assistance to witnesses. Administrative staff and psychologists engaged in war crime cases in the RS started with work in 2014. An example of good practice is the work of the District Court in Banja Luka where a special Witness Support Unit was established to provide psychological support to witnesses of all criminal offenses during the trial, including the psychological preparation before the testimony and counselling after the testimony, with priority given to witnesses of war crimes and minors, especially the victims of sexual violence.

37. In eight out of ten cantons in FBiH, the Protocols on mutual cooperation on providing comprehensive and effective support to victims/witnesses of war crime cases, sexual violence and other crimes have been signed between relevant ministries, institutions and non-governmental organizations. As a result, witnesses/victims have better access to information and learn about the steps, procedures, and the kind of support they can obtain.

38. In 2013, the BD BiH adopted the Rules of Procedure on Application of Witness Protection Measures[18] and the Instruction, both related to protected witnesses and testimonies with the assistance of technical devices, whereas an adequate reparation is provided through a regular court proceeding.

39. Basic Training Programme and the Programme of professional training for judges and prosecutors in FBIH includes training in proceeding the war crime cases of rape and sexual abuse, and manual "War Sexual Violence" was created. In RS trainings for judges and prosecutors on measures of protection and support to witnesses was delivered in 2014. The Manual "Judicial Considerations of Domestic Violence Cases in BiH" was published in 2014, with practical recommendations for implementation in the case law.[19]

[17] The Official Gazette of BiH, number 36/14.

[18] The Official Gazette of Brčko District of BiH, number: 5/13.

[19] Available at: http://www.atlantskainicijativa.org/bos/images/Rod_i_reforma_pravosudja_u_BiH/Publikacije/prirucnik-sudska-razmatranja-bos-final.pdf.

40. The Recommendation 10 (e) CEDAW/C/BIH/CO/4-5 relates to rights of women victims of sexual violence during the war. There is no integrated law at the level of BiH regulating these issues, and realization of survivors' rights is regulated at the entity level and level of BD BiH. In BiH, there is neither the fund for compensation of damages, nor any other reparation mechanism available to the victims of criminal offenses in cases when perpetrators are unable to pay for the damages.

41. The decisions of BiH courts are recorded related to awarding of financial compensations to the victims of wartime sexual violence in criminal proceedings. However, claims for non-pecuniary damage are liable to be statute-barred, and such claims may be addressed exclusively to the perpetrators, and not to the State or entities, thereby eliminating subsidiary liability for damage compensation. Most victims continue to require damage compensation in separate civil proceedings before local courts, which neither apply the same standards nor have adequate witness protection capacities. When seeking redress before civil courts, the victims bear the burden of proof, they must hire lawyers and are responsible for paying the court fees.

42. In 2015, the Government and the National Assembly of RS adopted the Information of the GCRS on the findings and recommendations of the study on the situation of Serb women victims of war crimes of sexual violence in BiH.[20] The significance of this Information is that this issue was addressed for the first time in the highest legislative body of the RS, underlining the status of women victims of war and the shortcomings in legislation and practice. The specific recommendations relevant for the work of the competent authorities were given and which were adopted by the National Assembly of RS. The Association of Women Victims of War in the RS was established for the first time, which now has a status of association of special interest.

43. In the FBIH, the rights of survivors to material compensation are exercised in accordance with the provisions of the Law on Social Protection Funds of FBiH.[21] Monthly personal allowance amounts to 70 per cent of the monthly disability compensation designated to the disabled war veteran of the first category, that is, amount designated to the civilian victim of war of the first category. In order to realize this right, it is not necessary to conduct court proceedings or to have a verdict, but the realization of rights is proved by the fact that wartime rape has occurred. The compensation is participatory, so that the FBiH provides 70 per cent and the cantons 30 per cent of the necessary funds, thus ensuring regular and equal protection and support to victims in all parts of this entity.

44. The Law on Fundamentals of Social Welfare, Protection of Civilian Victims of War and Protection of Families with Children of FBiH[22] recognizes the status of a special category of civilian victims of wartime rape and sexual abuse, and envisages the obligation to prove the sexual violence suffered during the war, without the need of providing the evidence of sustained physical injuries. Changes and Amendments to this Law,[23] which were adopted in 2016, established an independent expert commission in charge of issuing certificates to survivors.

45. In accordance with cantonal regulations, survivors of sexual violence are considered a special category of civilian victims of war and, besides the right to monthly personal allowance, they are also entitled to other rights that include: health care, psychological support, coverage of treatment costs and the purchase of

[20] Conclusion of the National Assembly of Republika Srpska number 02 / 1-021-492 / 15, dated 21 April 2015, (The Official Gazette of Republika Srpska, number 32/15).

[21] The Official Gazette of FBIH, number 36/09, 54/04, 39/06, 14/09 and 45/16.

[22] The Official Gazette of FBiH, number 36/99, 54/04, 39/06.

[23] The Official Gazette of FBiH, number 45/16.

orthopaedic supplies, professional rehabilitation, up-skilling and retraining, and in some cantons priority right to employment, housing and legal assistance.

46. The 2015 changes and amendments of the Decision on Protection of Civil Victims of War in BD BiH abolished the earlier discriminatory provision that recognized the status of survivor of wartime sexual violence only to those who, in addition to evidence of physical injuries, could prove that the perpetrator was found and convicted. The present provisions are less restrictive and recognize a psychological injury as basis for the victim-of-war status, but require a confirmation that the victim has suffered sexual violence and medical evidence of permanent psychological trauma, issued by an independent expert commission.

47. In both entities, civilian victims of war, including survivors of wartime sexual violence, continue to face a different treatment compared to disabled veterans of war. This is manifested in considerably lower fees - often in the amount of 70 per cent of the maximum monthly allowance allocated to the war-disabled military personnel. The effect of stigma on overall efforts to provide assistance and support to survivors cannot be ignored.

48. UN agencies in BiH, in cooperation with government institutions at all levels have developed a joint support programme entitled „Seeking Care, Support and Justice for Survivors of Conflict Related Sexual Violence in BiH". Researches were conducted, drafting of laws and by-laws initiated and economic and psychosocial empowerment of women supported. In co-operation between the entity ministries of health and UNFPA, resource packages have been developed to support victims of gender-based violence and victims who survived conflict related sexual violence in the health sector in FBiH and RS.

49. In 2017 the Inter-Religious Council of BIH adopted the Declaration to suppress the stigma against the persons who survived Conflict Related Sexual Violence in BiH, signed by representatives of all religious communities in BiH, urging the citizens, local communities and public institutions not to discriminate, deny, suppress or stigmatize persons who survived conflict related sexual violence.

50. In January 2017, "TRIAL International" submitted a complaint to the CEDAW Committee in the name of a BiH citizen, a survivor of conflict related sexual violence. It required the BiH to prosecute and adequately punish the responsible persons, provide a formal recognition of the status of a civilian victim of war, as well as to provide other reparation measures.

51. In order to implement Recommendation 16 (a) CEDAW/C/BIH/CO/4-5 entity Centres for Judicial and Prosecutorial Training provided mandatory training on the GEL, LPD, and the CEDAW Convention. Additionally, annual modular system of initial training incorporates, inter alia, modules on implementation of the GEL, LPD, the entity laws on protection against domestic violence and the Istanbul Convention. The progress has also been achieved in terms of organizing trainings that tackled the topic of prohibition of discrimination against minority groups, especially LGBTI individuals.

52. The High Judicial and Prosecutorial Council (HJPC) has adopted The Guidelines for the Prevention of Sexual and Gender-based Harassment within the Judicial Institutions of BiH. The Guidelines define sexual and gender-based harassment and ways in which such cases can be resolved before courts and prosecutor's offices of BiH. Specialized trainings have also been delivered in that regard.

53. Recommendation 16 (b) CEDAW/C/BIH/CO/4-5, was largely implemented through promotional activities of gender institutional mechanisms, international and non-governmental organizations. Campaigns on raising awareness and reducing

tolerance to violence are being implemented continuously. Campaign "16 days of activism against gender-based violence" and other media and civic campaigns raise awareness of violence about the violation of human rights and promote protection mechanisms. There was significant cooperation and assistance provided by the media, while the Press Code and the Radio and TV Broadcasting Code contain provisions that prohibit discrimination on grounds of sex and promote gender equality.

54. In 2016, as a response to Recommendation 16 (c) CEDAW/C/BIH/CO/4-5 adopted the Law on Providing Free Legal Aid[24] which prescribes the forms of free legal aid, service providers and their users, the conditions and the way of its realization, financing and control, and monitoring of its enforcement. Additionally, laws on free legal aid have also been adopted in the RS[25] and in eight (out of ten) cantons in FBiH.[26] In BD BiH, the Law on Free Legal Aid Offices is being applied within the jurisdiction of the Appel ate Court.[27]

55. In accordance with the above laws, free legal aid is provided in administrative procedures and disputes, misdemeanour, litigation and non-contentious proceedings, as well as enforcement and criminal proceedings. Free legal aid is provided to all persons, regardless of whether or not they meet the conditions contained in these regulations, including victims of domestic violence or gender-based violence, as well as other vulnerable groups.

56. Free legal aid institutes have been established accordingly. The free legal aid institutes have been established in eight cantons of the FBiH and as of 2008 the Centre for Providing Free Legal Aid has been established in the RS, as an entity administrative organization within the Ministry of Justice of the RS. In BD, the Legal Aid Office operates as a single, autonomous and independent body. With the support of UNDP, the Network of Free Legal Aid Providers in BiH was established, bringing together public institutions and 14 non-governmental organizations providing legal assistance to victims of domestic violence and violence against women, victims of trafficking in women, asylum seekers and persons under temporary protection in BiH.

57. In relation to Recommendation 42CEDAW/C/BIH/CO/4-5 and according to Article 22 of the GEL, institutions at all levels in BiH are obliged to regularly collect record and analyse gender-disaggregated data and statistics. There is still a lack of sectoral statistics classified by gender and an uneven methodology of data collection at entity level in individual areas, which complicates aggregation of national statistics.

58. The Agency for Statistics of BiH (BiH AS) and the Entity Statistics Offices continued the practice of issuing of the publication "Women and Men".

59. The GEA BiH, MHRR BiH, in cooperation with BiH AS and the European Institute for Gender Equality (EIGE), initiated establishing of the Gender Equality Index for BiH, according to the EIGE methodology and EU standards. Identification of the available and missing indicators is ongoing to define additional surveys to be carried out in order to calculate the Index.

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[24] The Official Gazette of BiH, number 83/16.

[25] Law on Free Legal Assistance of the Republika Srpska (Official Gazette of the Republika Srpska, No. 120/08, 89/13 and 63/14).

[26] Eight Cantonal Laws on Providing Free Legal Aid (Official Gazette of Canton Sarajevo, number: 1/12, Official Gazette of Bosnia Podrinje Canton of Goražde, No. 2/13, Official Gazette of Zenica-Doboj Canton, number:1/14, Official Gazette of Tuzla Canton, number: 10/08, Official Gazette of Una-Sana Canton, number:22/12, Official Gazette of Hercegovina-Neretva Canton, number:7/13, Official Gazette of Posavina Canton, number:3/10, Official Gazette of West Herzegovina Canton, number 5/08 i 4/09).

[27] The Official Gazette of BD, number 19/07.

Article 4: Promoting equal rights between women and men

60. Practical measures for promotion and improvement of gender equality, including affirmative measures in all spheres of social life in BiH are defined by periodic strategic documents at the state and entity levels. During the reporting period, the following strategic documents were adopted at the state level:

- Gender Action Plan of BiH (2013-2017);[28]
- Action Plan for Implementation of UN Resolution 1325 (2013-2017);[29]
- Framework Strategy for the Implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention; 2015-2018).[30]

61. According to the relevant articles of the Convention, sectoral strategies and action plans addressing the areas such as domestic violence, the advancement of the position of women in rural areas and introduction of gender-sensitive budgeting have been adopted at the entity level, and will be listed in the continuation of Report.

62. Contact persons for gender equality issues were appointed in more than 90 per cent of institutions at the state and entity levels. Gender equality training has been incorporated into the curricula of state and entity civil service agencies, police academies and Centres for Judicial and Prosecutorial Training.

63. In line with the GEL, internal acts (decision, guidelines, recommendation) on concrete measures for achieving gender equality in relevant institutions are adopted such as:

- The BiH Ministry of Defence's Decision by which all organizational units commit to implementation of measures from AP UNSCR 1325 in BiH;
- The BiH Ministry of Security's Decision on activities for implementation of the BiH GEL, promoting and protecting gender equality, guaranteeing equal opportunities and equal treatment of all persons regardless of gender;
- The State Investigation and Protection Agency's (SIPA) Recommendations for Treatment, resulting from analysis of gender equality in the police service;
- The BiH High Judicial and Prosecutorial Council's Guidelines for the Prevention of Sexual and Gender-Based Harassment in Judicial Institutions in BiH;
- The Directorate for European Integration of BiH has adopted a Document regulating obligations and recommendations for ensuring gender equality in DEI BiH.

64. This remains a continuous practice, and other institutions such as the Ministry of Finance and Treasury of BiH, the Ministry of Communications and Transport of BiH and others, adopt internal programmes of measures.

65. Some institutions have introduced special temporary measures to achieve gender equality, achieving some concrete results, such as:

- The BiH Ministry of Security reduced number of years of work experience for women who apply for peacekeeping missions from eight to five years. This resulted in an increase of women's participation from around 16 per cent in 2009 to 39 per cent in 2016;

[28] The Official Gazette of BiH, number 98/13.
[29] The Official Gazette of BiH, number 89/14.
[30] The Official Gazette of BiH, number 75/15.

- As a result of affirmative measures and promotion of a military profession to women, the number of candidates applying to the public call for admission to the Armed Forces of BiH increased from 23 candidates who applied in 2008, to 594 applicants in 2014;
- Latest amendments to the Election Law of BiH have set the quota of at least 40 per cent of representatives of the less represented sex on candidate lists, resulting that percentage of women candidates in 2014 general election was 43.6 per cent in FBiH.

66. Introduction of gender-sensitive budgeting into the BiH budget system represents a practical measure for promoting gender equality. At the initiative of Agency and entity gender centres, the Ministry of Finance and Treasury of BiH and Entity Ministries of Finance have introduced a gender equality component into the instructions for the budget users. Also, the Budget Information System includes a gender component, which must be addressed by all budget users during the budget preparation.

67. Following the successful implementation of the Strategic Plan for the introduction of Gender Sensitive Budgeting into the Budget of the FBIH,[31] a Decision was adopted at the initiative of the GC FBiH,[32] ensuring that the Government of the FBiH continues working towards the introduction of gender sensitive budgeting. Budget instructions have been improved with a request for disclosing targets, measures and budget indicators in relation to gender equality. The three-year FBiH Framework Budget Document contains a chapter on impact on gender equality, and the annual laws on budget execution contain a provision for selected budget users to include the principles of the gender sensitive budget in the expenditure programmes and reports on expenditures. Examples of some practical measures:

- The budget programme "Agriculture" introduced a special measure for the women applying the rural development projects, by awarding additional points when scoring these projects, thereby increasing the level of support by additional 5 per cent;
- The employment co-financing programme introduced a measure of support for the employment of unemployed persons, especially victims of domestic violence, according to which the basic amount of co-financing is increased by 10 per cent for the mentioned category.

68. By 2015 the RS implemented the Action Plan for the Advancement of Women's Position in Rural Areas, as a temporary special measure within the 2009-2015 Strategic Rural Development Plan. Specific results are listed in the report on women in rural areas.

69. Implementation of strategic and action plans for gender equality in BiH was supported by FIGAP programme from 2010-2016. Below are some examples of implemented measures and results of projects supported by FIGAP programme:

- Strengthening the capacity of civil servants (192 civil servants were trained to align with the BiH GEL);
- Implementation of measures for economic empowerment of women (268 entrepreneurs received start-up funds, over 300 women were retrained and qualified for self-employment; 41 women were employed as caregivers);
- Implementation of domestic violence prevention measures (1,789 pupils and 347 teachers have been introduced to the topic of domestic violence,

[31] Decision V. number 1144/2013 (The Official Gazette of FBiH, number: 85/13).
[32] Decision V. number 547/2016, (The Official Gazette of FBiH, number: 19/16).

approximately 100 professionals in the social welfare centres have been trained to work with offenders);

- Measures to include men in gender-based violence prevention activities (640 young men participated in promotional activities);
- Introduction of gender equality into plans and programmes of higher education and scientific community (36 newly promoted MA's in gender studies attended the Postgraduate Gender Study, which was established within the Centre for Interdisciplinary Studies of the University in Sarajevo University, and at the initiative of and with support of the GEA BiH, MHRR BiH).

Article 5: Elimination of stereotypes and prejudice

70. BiH GEL, in Article 11, introduces an obligation to eliminate curricula that contain stereotypes regarding the social role of men and women; while Article 21 envisages the duty of the media to develop appropriate programme concepts promoting the gender equality awareness.

71. Stressing that stereotypes and prejudice are the main cause of gender inequality and discrimination, BiH GAP for 2013-2017 included work with media who have a major impact on social change.

72. MHRR BiH developed Action Plan on Educating Journalists and Media Professionals in BiHBIH in Human Rights Issues for the period 2016-2019, adopted by the BiH CoM aimed to create concrete measures for improving access and presentation of marginalized and minority groups in the media, and development of media guidelines for reporting from the perspective of protection and promotion of human rights, including gender equality.

73. Recommendation 20 (a) CEDAW/C/BIH/CO/4-5 is implemented by the Decision on the Procedure for Preparing and Approving Textbooks, Workbooks and Other Teaching Materials for Primary and Secondary Schools, adopted by the Coordination of Ministers of Education in FBiH. Decision states that teaching materials cannot be approved for use if there are contents that are contrary to the Constitution of BiH and the FBiH, especially with regard to, inter alia, gender. Despite these provisions, the content analysis still shows the presence of gender stereotypes in textbooks.

74. The research on gender inequalities in RS from the perspective of life events resulted in recommendations adopted by the RS Government in 2016. The recommendations for the field of education relate, inter alia, to introduction of gender-sensitive content into regular and extra-curricular education programmes in primary and secondary schools, including occasional lectures and seminars dealing with specific themes on gender relations.

75. At the initiative of the Sarajevo Open Centre and the GEA BiH, MHRR BiH, the GCFBIH initiated harmonization with GEL of the Rulebook on Use of Academic Titles and Acquisition of Scientific and Professional Titles at Higher Education Institutions in the Sarajevo Canton,[33] as well as the Rulebook on the Contents of Public Documents issued by Higher Education Institutions in Sarajevo Canton, so that the academic titles, scientific and professional titles on diplomas could be quoted in both male and female genders.

76. The strategy of the Ministry of Civil Affairs of BiH for development of science in BiH (2017-2022), among other, sets an obligation to develop a gender equality policy in research institutions with special attention paid to areas where women are

[33] The Official Gazette of Sarajevo Canton, number: 34/08.

underrepresented (for example, decision-making positions in research institutions). The RS Science and Technology Development Strategy (2012-2016) also highlights the need for greater participation of women in the research and development sector.

77. In accordance with Recommendation 22 (a) CEDAW/C/BIH/CO/4-5 in 2013 BiH became the 6th member state of the CoE that ratified the CoE Convention on Prevention and Fight against Violence against Women and Domestic Violence (Istanbul Convention). A significant role and support to accelerate ratification of the Convention was provided by the Gender Equality Commission of the PD BiH. In March 2015, CoM BiH adopted a Decision on adoption of Framework Strategy for Implementation of the Convention on Prevention and Combating Violence against Women and Domestic Violence in BiH (2015-2018).

78. Report on implementation of the Framework Strategy for 2015/16 notes progress in achieving goals and measures. The RS Government has not accepted application of the Strategy in the territory of this entity, which challenges its consistent, efficient and coordinated implementation throughout the whole of BiH. Coordination Body for the implementation of the Strategy has not been set up, so this role was assumed by the GEA BiH, MHRR BiH.

79. In order to implement obligations that arise from the Istanbul Convention, the Government of RS has obliged the GCRS as the RS Coordination Body for the implementation, monitoring the implementation and reporting on programmes and measures under the Convention, including cooperation with organs and organizations in RS, BiH and the Council of Europe. At the same time, all ministries and republic authorities and organizations are in charge of co-operating with the GC RS in fulfilling obligations under the Convention.

80. At the initiative of the GCRS, the new RS Criminal Code was harmonized with the Istanbul Convention by introducing new criminal offenses provided for in this Convention. Also, the Law on Amendments to the FBiH Criminal Code was adopted in April 2016, thus providing new definitions of criminal offenses and imposing the imprisonment sentence. These represent positive steps in the efforts to recognize and sanction criminal offenses committed out of hatred.

81. Additionally, the amendments to the entity laws on the protection against domestic violence have also been adopted (Law on Protection against Domestic Violence in FBiH[34] and RS Law on Protection against Domestic Violence),[35] further enhancing the protection of victims of domestic violence, as well as coordinated and effective actions of the protection bodies. These laws are aligned with the Istanbul Convention to a considerable extent.

82. Pursuant to Article 36 of the Law on Protection against Domestic Violence, the FBiH Government adopted the Strategy for Prevention and Fight against Domestic Violence (2013-2017). Chapters 7 and 8 of the Strategy referring to implementation, monitoring and reporting, provide specific details on reporting and drafting of action plans. In connection with this, the Expert Team for developing and monitoring of implementation of this Strategy.[36]

83. The RS implements the Strategy for combating against domestic violence in RS (2014-2019), under coordination of the Ministry of Family, Youth and Sports of RS. The Council for Combating Family Violence in RS was established as a mechanism for monitoring the implementation of the Law on Protection against Domestic

[34] The Official Gazette of the Federation of BiH, number 20/13.

[35] The Official Gazette of Republika Srpska, number: 108/13 i 82/15.

[36] Strategy for Prevention and Combating Domestic Violence (2013-2017) (Official Gazette of the Federation BiH, No. 73/11 and 34/14).

Violence and this Strategy, which is in accordance with Recommendation 22 (a) CEDAW/C/BIH/CO/4-5.

84. Programmes of measures and mechanisms of coordination and multisector cooperation have been established at lower levels of government. Four cantons of the FBIH have adopted two-year programmes of measures for prevention, protection and fight against domestic violence. Respective protocols on cooperation have been signed, and coordinating bodies were nominated in nine cantons. By the end of 2013, 36 municipalities in the RS (57 per cent) signed protocols on treatment in cases of domestic violence and multisector cooperation.

85. Laws on protection against domestic violence set out the standards and criteria for setting up and operating of safe houses in terms of space, equipment and personnel, which will be or, in the case of the RS, are already defined by special bylaws. There is a need to harmonize these standards with the Istanbul Convention, especially in terms of ensuring a sufficient number of safe houses, the safety standards of these facilities, and the standards on services and the quality of services for victims of violence.

86. There are nine safe houses in BIH, with 187 places available: six in FBIH, with 135 places and three in the RS with 52 places. Several municipalities have also provided apartments for the housing of social categories including, victims of domestic violence. During the reporting period, 1,222 victims of violence (960 in FBiH and 262 in RS) were accommodated in safe houses, of which more than half were children.

87. Financing of safe houses is still insufficient. According to the RS Law on Protection against Domestic Violence funding is provided annually in the amount of 70 per cent of the RS budget, while 30 per cent of determined accommodation prices are provided by the units of local self-government of the victim's place of residence. According to the Law on Protection from Domestic Violence of FBiH, funding is provided from the budget of the canton (30 per cent) and from the budget of the FBiH (70 per cent). The drafting of a bylaw which will regulate criteria for financing of safe houses in FBIH is currently under way.

88. In the FBIH and RS, SOS phones have continuously operated and have been promoted with the support of entity gender centres. The total number of calls made to the SOS telephone No. 1264 (RS) in the period 2014-2016 is 10.604, and to telephone number 1265, active in the FBiH, received 5,642 calls. (Annex II-Table No. 7).

89. GCFBIH and GCRS, collect statistical data and regularly monitor and analyse the state of gender-based violence. In the RS, the Rulebook on the contents of records and reports on domestic violence was adopted in 2013. The FBiH passed the Rulebook on contents and record keeping procedures on imposed protective measures, persons protected by them and violent persons upon whom the protective measures were imposed thereby.

90. In FBiH an electronic database on cases of domestic violence was developed, in coordination of the GCFBIH. Used by police, social welfares, NGOs and other, it contains data on number of reported cases, protective measures, victims accommodated to safe houses number of calls to SOS telephone no. 1265 etc. 70 training cycles delivered at the police academy, on application of regulations related to domestic violence and the use of electronic records management have been provided for close to 600 people. Data is currently being entered for all listed fields.

91. In FBIH the most pronounced measures imposed for acts of domestic violence were in 2014 prohibition of harassment or stalking on a victim of violence (144), in 2015 restraining order concerning the victim of violence (62) and in 2016 prohibition

of harassment and stalking on the victim of violence (265), and 18 protective measures of temporary deprivation of liberty and retention.

92. In the RS, from 2014 to 2016, there were total of 3,421 cases of domestic violence, social welfare centres registered total 3,736 cases, health institutions received total 1,047 reports, basic courts received total 2,149 and educational institutions received total 175 reports of domestic violence.

93. There is still no uniform methodology for collecting data on gender-based violence in BiH, as recommended in Recommendation 22 (c) CEDAW/C/BIH/CO/4-5. In an attempt to harmonize data collection methodologies at the entity level, so to make data compatible at the level of BiH, the GEA BiH, MHRR BiH and the entity gender centres, with the support of UN Women, developed in 2015 the Proposal of indicators for monitoring the implementation of the Istanbul Convention.

94. In 2013, in cooperation with the GEA BiH, MHRR BiH the entity gender centres and statistical institutions conducted and financial support of UNFPA, UN WOMEN and FIGAP, a survey on prevalence and characteristics of violence against women in BiH was conducted. The survey found that as many as 47.2 per cent of women were exposed to some form of violence at least once during their adult lives, whereas 11.9 per cent of women were faced with such a situation in the course of 12 months prior to the study. This survey has also shown that violence has different, mostly invisible forms, that victims neither recognize different types of violence, nor see themselves as victims, and that they very little know the mechanisms of protection, and even less often address them, most often because of the lack of trust in protection bodies. (Annex II-Tables 8 and 9, and charts 4, 5, 6 and 7).

95. In order to increase the awareness of the wider community of the problem of domestic violence and following the Recommendation 22 (b) CEDAW/C/BIH/CO/4-5, campaigns "16 Days of Activism against Violence Against Women and Domestic Violence", "Life Without Violence" and "White Tape – A Male NO to Violence Against Women" are continuously carried out throughout the territory of BiH in cooperation with non-governmental organizations. Representatives of legislative and executive authorities at all levels participate in the campaigns. It is estimated that the issue of violence against women and domestic violence are covered with about 1,000 press/media releases annually.

96. The RS drafted specialized Guidelines on Gender Sensitive Reporting on Violence against Women and Domestic Violence and special trainings and workshops for journalists were organized. The media make an integral part of most multisector teams in the FBiH, and special programmes are being developed for gender sensitive reporting on domestic violence. Five scientific researches on domestic violence in the FBiH were carried out, there around 500 different workshops, conferences and public gatherings organized and these events were attended by about 6,000 people.

97. The GCRS continuously monitors and analyses cases of femicide or gender-related killings of women, in order to define future steps to prevent this form of gender-related violence. According to the records of the RS Ministry of the Interior, 88 women, mostly victims of partner or family violence were killed in the RS between 2000 and 2015. The GCRS has developed a special analysis on actions undertaken by institutions in cases of gender-related killings occurring in the period 2014-2015. It identified inadequate records of victims' complaints and institutional actions, and inadequate information exchange between institutions, non-recognition of gender-related violence and gender inequality as the main cause of women's killings, and the lack of sensibility and victim support. In order to raise public awareness of femicide as the most severe form of violence against women, in 2015 the first regional conference dedicated to femicide was organized in RS.BiH.

98. ARS BIH, MHRR BiH has initiated the establishment of the Watchdog Body "Femicid Watch" to monitor the occurrence of gender-based killings, collect and analyse data to identify the key causes and omissions that lead to the killing of women.

99. Regarding Recommendation 22 (d) CEDAW/C/BIH/CO/4-5 training on Law on Protection against Domestic Violence, the GEL, LPD and the Istanbul Convention was systematized in centres for judicial and prosecutorial education of FBiH and RS. Special modules have been defined within the training programme of police academies of FBiH and RS and other police education institutions in BiH to tackle this topic. Establishing associations of female police officers in the FBiH and RS has significantly contributed to strengthening of the status of female police inspectors, and increasing sensitivity of police to the issue of violence against women.

100. Non-governmental organizations provide active and direct support, protection and rehabilitation to victims of domestic violence in BiH, which is in line with Recommendation 22 (e) CEDAW/C/BIH/CO/4-5. They are gathered around the "Safe Network", which signed the Agreement on Cooperation with the GEA BiH, MHRR BiH. Safe Network members are involved in the preparation, monitoring and implementation of strategic documents in the field of domestic violence in FBiH. In five cantons, GCFBIH supported establishing of 22 support groups to work with perpetrators of domestic violence on a voluntary basis. About 180 perpetrators participated. In Modriča, RS, the "Men's Centre" which works with perpetrators of domestic violence, was established and made operational.

101. In 2016, the budget of the GEA BiH, MHRR BiH allocated 50.000 KM to non-governmental organizations for projects contributing to more effective prevention and protection of victims of gender-related violence, with particular emphasis on support to vulnerable groups, focusing, among other, on a multidisciplinary approach to protecting victims prevention through raising public awareness, youth education, and testing perception of violence against women in rural areas.

102. The following projects are being implemented in the area of protection and prevention of gender based violence:

- "Standards and Engagement to Combat Violence Against Women and Domestic Violence in BiH" 2016-2019, implemented in the UN Women's partnership with the GEA BiH, MHRR BiH, GCFBIH and GCRS, with the financial support of the Swedish Sida;
- "Strengthening capacities of gender equality institutions in BiH to address gender-based violence" 2017-2020, implemented by the Agency with the financial support of USAID.

103. The GEA BiH, MHRR BiH co-chairs the Joint Steering Committee of the mentioned projects. With the support of the EU Delegation to BiH, the GEA BiH, MHRR BiH has established a system of coordination of international assistance in the field of gender equality in BiH.

Article 6: Combating trafficking in women and exploiting women for prostitution

104. In accordance with Recommendation 24 (a) CEDAW/C/BIH/CO/4-5, Amendments to the Criminal Code of BiH,[37] provided that the criminal offense of Trafficking in Human Beings, constituting elements of exploitation in the state in which the injured party (victim of trafficking) has no residence remained covered by

[37] The Official Gazette of BiH, number 40/15.

this criminal code, while other human trafficking offenses were covered by the criminal codes of the entities and the BD. Victims of the criminal offense referred to in the Criminal Code of BiH are the persons without BiH citizenship, residence in BiH or the BiH citizens abroad. The criminal framework for certain forms of criminal offense of "International Trafficking in Human Beings" under Article 186 was revised and intensified.

105. Criminal Codes of the FBiH[38] RS[39] and BD[40] are in line with the BiH Criminal Code. The aforementioned amendments also intensified penalties for criminal offenses, envisaging a sentence of at least 5 years in prison for the basic offense, whereas for the trafficking of minors, as well as for the commission of the criminal offense by an official person while on duty, the law envisaged the sentence of minimum 10 years of imprisonment.

106. The BiH Foreigners Law[41] that was passed in 2015, including its provisions, are in line with the articles of the CoE Convention on Suppression of Trafficking in Persons and Directive 2004/81 of the EC of European Parliament. The provisions relate to protection and assistance to victims of human trafficking who have been granted temporary residence in BiH for humanitarian reasons.

107. Following the implementation of the Strategy for the Suppression of Trafficking in Human Beings in BiH and the Action Plan (2013-2015), in 2015 the CoM BiH adopted the Action Plan for Combating Trafficking in Human Beings in BiH (2016-2019). This plan focuses on improving the system of support for fight against trafficking in human beings, effective prosecuting of cases, prevention, protection and assistance to victims. The MoS BiH, Department for Fight against Trafficking in Human Beings, has formed regional monitoring teams with the aim of achieving appropriate standards and improving functional links among the competent authorities and NGOs in BiH.

108. CoM BiH has adopted the Strategy in the Area of Migration and Asylum and, subsequently, the Action Plan (2016-2020). One of the objectives envisaged in the proposal of the strategic document contained measures and activities, aimed at reducing human trafficking in BiH.

109. According to reports of the State Coordinator for Combating Trafficking in Human Beings, 100 potential victims of human trafficking have been identified between 2013 and 2015. (Annex II-Table No.11).

110. In between 2011-2017, the Court of BiH pronounced one final conviction for the criminal offense referred to in Article 187 of the BiH Criminal Code (International Luring into Prostitution / International Recruiting for Prostitution) against one individual (male). In 2016 convicted individual was sentenced to 1 year and 8 months in prison. There are currently two cases before the Court of BiH against two persons (two men) for the criminal offense stipulated under the Article 187.

111. MoS BiH in 2015 prepared a document "A guide for multidisciplinary cooperation in the process of rehabilitation, re-socialization, reintegration and repatriation of victims of trafficking in human beings in BiH", providing the guidance to all service providers to victims, especially social welfare centres.

112. In 2013, in cooperation with regional monitoring teams and NGOs, MoS BiH marked the October 18th, the European Day of Fight against Trafficking in Human

[38] The Official Gazette of FBiH, number 46/16.
[39] The Official Gazette of RS, number 67/13.
[40] The Official Gazette of Brčko District BiH, number 33/13.
[41] The Official Gazette of BiH, broj 88/15.

Beings. Preventive workshops, panel discussions with high school students, performance and exhibition of children's works on human trafficking were held.

113. In accordance with the Recommendation 24 (e) CEDAW/C/BIH/CO/4-5, MHRR of BiH provides regular budget funds for grants to NGOs in the total amount of 60,000 KM for rehabilitation and reintegration of women and girls, victims of trafficking in the local communities. Numerous projects for capacity building and improvement of procedures for protection of victims and prevention of trafficking were implemented in cooperation of MoS BiH, international and non-governmental organizations.

Part II

Article 7: Political and public life

114. The BiH Election Law is in line with the GEL, which is in accordance with Recommendation 28 (ab) CEDAW/C/BIH/CO/4-5. According to 2013 Amendments and changes to the BiH Election Law,[42] proportional representation exists when one of the sexes is represented by 40 per cent of the total number of male and female candidates on the lists (before that the quota was 33 per cent). Furthermore, party list must contain at least one candidate of less represented gender among the first two candidates, two candidates of less represented gender among the top five candidates etc. Central Election Commission of BiH (CEC BiH) rejects the party list in case it fails to comply with the quota rule.

115. In 2016, Amendments to the Election Law of BiH were drafted introducing equal gender representation on candidate lists (50 per cent of both genders on the list). However, these amendments were not adopted. The Draft Law on Amendments to the Law on the CoM of BiH introducing equal gender representation within the CoM BiH (at least 40 per cent of persons less represented) has also been prepared. Although it was adopted in the first reading, this law has not been adopted by parliament. Both legal solutions were prepared by the GEA BiH, MHRR BiH, the Gender Equality Commission of the HoR PA BiH and the NGO Sarajevo Open Centre (SOC).

116. In accordance with Recommendation 28 (c-e) CEDAW/C/BIH/CO/4-5, GEA BiH, MHRR BiH implemented in 2014 a project for enhancing the commitment of political parties to gender equality. 137 female candidates were capacitated, and a "Statement on the commitment of political parties for gender equality" signed by 9 political parties. To strengthen the capacity of female candidates for General elections in 2014, the GEA BiH, MHRR BiH and the Association "Infohouse" provided trained 100 (female) members from 12 parliamentary parties. During the election processes, the GEA BiH, MHRR BiH and the entity gender centres issued a call to all political parties for consistent application of GEL.

117. During the General Elections in 2014, the GCFBIH conducted the campaign "Equals in Diversity" and the "Select Equally" programme. On the occasion of local elections in 2016, the CEC BiH conducted a special campaign with focus on increasing the participation of women in public and political life.

118. In BiH, the participation of women in legislative and executive bodies at all levels is about 20 per cent. Application of existing legal provisions such as 40 per cent quota, Article 4.19. of the Election Law of BiH, or Article 20 of the GEEL, has led to some progress, but it is necessary to include additional affirmative measures

[42] The Official Gazette of BiH, number 18/13.

that would result in a specific increase in the number of women in decision-making positions.

119. As a result of 2014 General Elections, the representation of women in the House of Representatives of the Parliamentary Assembly of BiH is 23.8 per cent. The trend in the increase in number of women in the Parliamentary Assembly of BiH is noticeable as well as the relation of the electorate towards the women elected, as 4 women who were elected in 2010 were re-elected in 2014. Out of three members (chairperson, one female and one male deputies), the first deputy of the College of the HoR of PA BiH is a woman. This is an example of the impact of the measure envisaged in the Rules of Procedure of the HoR of BiH (Annex II-Tables No. 12 and 13).

120. In Entity Parliaments, the average female participation is 19.7 per cent (FBiH Parliament 21.4 per cent, RS National Assembly 18 per cent). In FBiH, the number of women increased by more than 4 per cent, while there was decrease in number of elected women in the National Assembly of RS which was 5 per cent higher than during the previous parliamentary term in 2010. However, after the local elections in 2016, there were changes in the National Assembly RS so now women occupy 23 per cent of seats. At the cantonal level, the female average is 18.5 per cent. (Annex II - Tables No. 14 and 15).

121. A progress in implementation of Recommendation 28 (c-e) CEDAW/C/BIH/CO/4-5, was seen with forming of the Club of women parliamentarians of FBiH, as the first inter-party club in BiH. In cooperation with other clubs and working parties, the club is working on creating, adopting of measures and overseeing legislation in all areas of interest for women. An action plan of activities was developed and priority topics defined in cooperation with the GEA BiH, MHRR BiH and GCFBIH, for joint lobbing through thematic sessions, round tables and meetings with NGOs.

122. Currently there are two women ministers in the CoM of BIH, a significant increase (25 per cent female ministers) has taken place in the Government of the FBiH, there has been a decrease in representation of women in ministerial positions in the cantons. There are 25 per cent of women in the RS government, including a prime minister (now in the second term).

123. In the Local Elections in 2016 there was a slight increase in the number of elected women. Six women (4.3 per cent) were elected mayors, in comparison with 3.6 per cent in 2012. The share of women in the composition of the councils/assemblies is 18.34 per cent, (compared to 17.1 per cent in the 2012 Local Elections).

124. In accordance with the Law on the High Judicial and Prosecutorial Council of BiH, the HJPC, when appointing at all levels of the judiciary takes into account the equal representation of the sexes. Information on gender structure of judiciary is provided in Annex II-Graph No. 8, and tables No. 17 and 18).

125. In BiH institutions, 3,889 civil servants are employed in total, of which 53 per cent are women. In the FBiH and RS institutions, the gender structure is shown by a larger number of women: 53 per cent in the FBiH and 60 per cent in the RS, but it is noticed that their number is reduced depending on the managerial jobs, where the number of men in both entities with approx. 59 per cent. (Annex II-Graph No.9).

126. The participation of women in the police, military and peacekeeping missions has shown some progress. In MoD, Minister and three heads of departments are women. However, in BiH AF, the percentage of women's participation in management positions is still very low (2.5 per cent), as is the case in security sector and police structures at all levels of government. Women are mostly represented at middle

management levels, while the minimum representation is at the top management positions.

127. The recommendation of the MoD BiH is to take 10 per cent of woman when employing new cadets into the AF BIH, while the priority is given to the most successful candidates in accordance with the list of achievements. There is a tendency to increase the interest of the females for admission to the AF of BiH, which is illustrated by the fact that in 2008 advertisement, 23 women applied, and in 2014, that number went up to 595 female candidates. In 2015, out of a total number of registered candidates, there were slightly more than 10 per cent of women. (Close to 20 per cent women applied for the second public competition for admission of candidates in BiH AF in the category of officers).

128. Participation of women in police forces is 7.5 per cent, mainly in positions of police and senior police officers, inspectors, junior and senior inspectors. In the security sector institutions the MoS BiH, law enforcement agencies and security agencies at all levels, representation of women is on average 50.5 per cent. (Annex II-Table No. 19).

129. A total of 19.4 per cent of women were employed in the FMoI, 10 cantonal ministries of the interior and the Federal Police Administration (FUP). In positions of managerial civil servants 34.8 per cent are women, while other female civil servants account for 54.6 per cent. 9.4 per cent of women are in positions of managerial police officers, whereas other positions of police officers are taken by 53.3 per cent of women. Out of the total number of employees in the RS MoI, 21.45 per cent are women, out of which 5.66 per cent are police officers.

130. In order to promote participation of women in peacekeeping missions, MoS BiH reduced number of years of work experience for women from 8 to 5 years, which resulted in increase in the number of women in peacekeeping missions, which currently stands at 30 per cent (increased by 6 per cent compared to 2014). As for the MoD of BiH, there has also been a significant increase in the number of women within the total number of officers sent to peacekeeping missions. The percentage of 3.5 per cent has increased to 6.7 per cent. Regular five-day trainings on "Gender Issues in Peacekeeping Operations" by-Training Centre for Peace Support Operations, AF BiH also contributed to continuous increase in the number of women sent to peacekeeping missions.

Article 8: Participation in diplomacy and international organizations

131. Approximately 23 per cent of female ambassadors, 17 per cent of female general consuls and 40 per cent of permanent female mission leaders are participating in the diplomatic and consular network. (Annex II-Table No. 20).

132. 34 per cent women are represented in the BiH negotiating delegations for the conclusion of international documents on police cooperation, readmission, protection of classified information, protection and rescue. There is at least one woman within each negotiating delegation, while in the agreements / protocols on readmission there is parity, i.e. equal representation.

Article 9: Citizenship

133. The legislative framework[43] in BiH that regulates the issue of citizenship does not make any gender related differences in connection with the acquisition, change

[43] Law on Citizenship of BiH (Official Gazette of BiH, No. 22/16); Law on Citizenship of Republika Srpska (Official Gazette of the Republic of Srpska, No. 59/14); Law on Citizenship of the Federation of Bosnia and Herzegovina (Official Gazette of the Federation BiH, number: 34/16).

and cessation of citizenship. Women and men in BiH have equal rights to obtain, change and retain citizenship, which is determined by the place of birth.

134. In accordance with Recommendation 30 (ab) CEDAW/C/BIH/CO/4-5, entity laws or bylaws that regulate the entry into registries or possession of personal documents have been improved, which significantly facilitated the conditions for registration of citizens, especially Roma minorities, and their easier access to education and other services.

135. According to the Law on Registries of the FBiH,[44] free legal aid is provided to socially vulnerable persons or national minorities in the process of registration in birth and death registries, who are exempted from taxes on registry procedures.

136. MHRR BiH, with the support of UNHCR, provided free legal aid to Roma minority in obtaining personal documents. This has contributed to significant progress in resolving the problems of unregistered Roma, as the original number of 2000 Roma was reduced to less than 57 non-registered persons.

137. Through seminars and training for registry offices, FMoI promoted registering in the birth registry of children without parents or children whose parents are unknown. Promotional materials were produced and in cooperation with the network for coordination of free legal aid providers "Vaša prava BiH" and UNHCR, also involving the mediators, who assisted in overcoming the language barriers. Social Welfare Centres carry out field activities to raise public awareness, especially among Roma, on the importance and obligation of reporting newborn children.

Part III

Article 10: Education

138. The Framework Law on Primary and Secondary Education[45] and the Framework Law on Higher Education[46] provide for the education and possibility of making a free choice, regardless of the gender. Education reform strategies, laws and various policy documents promote the principles of equal access, availability, acceptance, effectiveness and official recognition, non-discrimination and lack of segregation in education.

139. According to the 2013 Census, 2.82 per cent of the population is illiterate, of which 4.76 per cent are women over 10 years of age. Out of the total number of illiterate people in the age group 60-70, 15.03 per cent are women, and in the category over 70 years 49.1 per cent are women.

140. The percentage of representation of girls and girls in education has not significantly changed from the previous CEDAW report. The available data show that the number of women holding the title of masters and doctors of science has increased, and it is higher than that of men. For example, the percentage of women who received the title of Doctor of Science increased by 13.3 per cent.

141. BiH managed to achieve gender parity in primary and secondary education, while women dominate in higher education sector. Gender structure (in school year 2015-2016):

- in pre-school education, 47.95 per cent girls;

[44] The Official Gazette of the Federation BiH, No. 37/12 and 80/14.
[45] The Official Gazette of BiH, number 18/03.
[46] The Official Gazette of BiH, number 59/07.

- Out of the 491 children with special needs involved in pre-school education, 35 per cent are girls;
- In elementary schools, there are 48.55 per cent of girl pupils;
- In primary schools for children with special needs there are 33 per cent girls and 38 per cent in secondary schools;
- 49.91 per cent female students were enrolled in secondary schools;
- 54,20 per cent of female university students enrolled in higher education and 58,73 per cent girls were graduates;
- 59.58 per cent women held Masters of Science and Specialist titles and 51.55 per cent titles of Doctors of Science.

142. Women are in larger percentage represented among the teaching staff at all levels of education, except in higher education institutions. According to the BiH AS data from 2016:

- Women make 92.54 per cent of the total number of employees in pre-school institutions;
- Women make up 71.22 per cent of employed staff in elementary schools;
- Women make 59.85 per cent. from teaching staff in secondary schools;
- Women make up 43.58 per cent of the total number of teaching staff in higher education institutions. (Annex II - tables 21 and 26, and Charts 10 and 11).

143. Women represent the majority in health care (pharmacy, dentistry, medicine) and language studies, while there are only 10 per cent of women educated in mechanical and electrical engineering. In law, economic sciences, architecture and biotechnology there is approximately the same number of men and women. Such differences in occupational profiling directly affect the labour market situation from gender perspective. (Annex II- Table No. 25 and Graph No. 13).

144. Regarding Recommendation 32 (a) CEDAW/C/BIH/CO/4-5, the Federal Ministry of Education and Science (FMOES) signed Memorandum of Understanding on the establishment of a Partnership of policies for lifelong entrepreneurial learning in the FBiH, followed by the adoption of the Action Plan. FMOES also provides financial support to retraining and upskilling programmes, with a focus on the female population.

145. As a continuation to the interdisciplinary master's programme in gender studies, which was established and coordinated by the GEA BiH, MHRR BiH, which also provided financial support from FIGAP, a PhD programme in Gender Studies was established at the University of Sarajevo. The third year of this study and the preparation of the first doctoral theses of male and female candidates are currently under way.

146. The GCRS and the Faculty of Law in East Sarajevo organized the third "Gender Equality School". There is increased interest of students for the School, which was so far successfully completed by 43 students that worked with twenty teachers from BiH and the region.

147. In BiH the "International Girls Day in ICT" is celebrated in order to encourage greater interest in education, innovation, technical, technological and ICT fields. Since 2011, the GCRS has particularly intensified activities on marking this day, which was recognized as an example of good practice at the international level.

148. In 2015 and 2016 the Conference of Ministers of Education in BiH adopted conclusions condemning every possible form of discrimination, segregation,

assimilation and politicization in the field of education in BiH, and called for respect for international and domestic obligations to ensure that each child has equal opportunities to education, without discrimination.

149. The FBiH Government has made recommendations for the elimination of segregating and divided structures in educational institutions in FBiH. Education ministers have committed themselves to working to remove, not only these forms that are related to the phenomenon of two schools under one roof, but all forms of discrimination, segregation, assimilation, but also politicization in the field of education.

150. Positive developments were noted in terms of administrative unification of schools, and there was improvement of curricula in order to stop segregation in schools. In 2014, the FBiH Supreme Court issued a judgment ordering the Ministry of Education, Science, Culture and Sports of Herzegovina-Neretva Canton to take appropriate action to stop the discrimination of children.

151. According to the Recommendation 32 (b) CEDAW/C/BIH/CO/4-5 there are activities aimed at promoting and improving the access and retention of Roma girls at all levels of education. However, Roma women still recorded a low level of education in relation to Roma men and women in general in BiH. The attendance rate for elementary school Roma is approximately equal, 70.9 per cent for boys and 67.8 per cent for girls. This secondary education rate has risen to 18 per cent for girls and 26.6 per cent for boys. Of the total number of Roma girls enrolled, 80 per cent do not complete elementary school, and only 4.5 per cent complete secondary school, (compared to 9.2 per cent of Roma boys).

152. Implementation of the Revised Action Plan for solving Roma problems in the field of housing, health care and employment indirectly influenced the creation of better conditions for their access to education. Health institutions are obliged to submit individual reports on newborn children, thus reducing the possibility that Roma children do not have personal documents, and therefore do not attend school.

153. FMoES is funding the programme "Support to the education of Roma children and other national minorities and socially vulnerable categories", in order to increase the attendance rates and rewarding children who achieved excellent results. The ministry co-finances purchase of free textbooks for students in social need.

154. The Rulebook on the upbringing and education of national minorities children in RS, stipulates that Roma children can be enrolled in the first grade of elementary school, even if they do not have full set of documents, and Roma children are provided the free textbooks for all classes. Children who live at a distance of more than four kilometres away from school have free transport, and Roma pupils and students receive scholarships.

Article 11: Work, pensions and social protection

155. The laws regulating the issue of labour and labour relations in BiH are in line with the GEL. Provisions have been introduced setting out the basis and types of discrimination in work and labour relations, prohibition and protection from discrimination. Definitions of the prohibition of sexual harassment and gender-based violence, and legal protection that applies to these cases have been provided.

156. The Law on Amendments to the Law on Salaries and Fees in the Institutions of BiH and the Law on Amendments to the Labour Law in the Institutions of BiH[47] were

[47] The Official Gazette of BiH, number 32/13.

adopted. The new Labour Law of RS[48] and the Law on the Work of the FBIH[49] were adopted. These laws are harmonized with the GEL, especially in the area of protection of motherhood and maternity, and the use of maternity / parental leave.

157. Work, employment and access to economic resources were a priority area in GAP BiH (2013-2017). Active employment policies have been implemented, focusing on training, further qualification and retraining, preparation for the labour market and creation of equal opportunities. Support is provided to target groups such as hard-to-employ, especially young people and women. The incentives for employment and development of women entrepreneurship have been increased.

158. Despite the measures taken, there is still very low representation of women in the labour market. While in 2016 women accounted for 51.5 per cent of the working age population, of the total number of employed persons, 35.9 per cent were women. Also, women accounted for 61.5 per cent of the inactive population. (Annex II-Graphs No. 14, 15, 16 and table No. 28).

159. Period of women's waiting for the first job is significantly longer than in case of men, there are prolonged interruptions of periods of employment due to maternity leave and care for elderly or sick, and inability to find work at a mature age due to changes in needs of the labour market. In comparison to other countries in the region with similar transitional processes, BiH has the lowest percentage of women's participation in the total number of persons registered on the labour market. There are still stereotypes about "female and male jobs". Women are more represented in traditional service activities.

160. There is a difference in salaries between women and men, which is measured in relation to the hourly rate men earn on the market in relation to women. According to the 2013 Labour Force Survey, the difference is estimated at 9 per cent, which was confirmed in the World Bank survey.[50] There are visible gender differences in the hourly rate for men in all age groups, levels of education, occupations and industries. There are no data on what causes this situation, especially when taken into consideration that women participating in the market have the higher level of education, unlike their male peers.

161. According to the first Survey on the number of women and men in the management structures (administrative and supervisory/executive boards) of enterprises in BiH, which the GEA BiH, MHRR BiH conducted in May 2014, only 15.7 per cent of women were observed in these positions.

162. There is no unique database on women entrepreneurship established in BiH, and the only valid data is the Business Environment and Enterprise Performance Survey – BEEPS.[51] The percentage of firms whose owners are women is 27.3 per cent, which is below the average of the ECA region[52] countries of 33 per cent, with small differences in company size. There are 24.2 per cent companies in which women are the top managers (that's slightly above the ECA average of 21.3 per cent) and these are mainly medium-sized enterprises.

163. Women entrepreneurs are professionally accomplished particularly in small and medium-sized enterprises, and mostly in micro-enterprises, which makes about 20-

[48] The Official Gazette of Republika Srpska, number 1/16.

[49] The Official Gazette of Federation BiH, number 26/16.

[50] Gender differences in exercise of rights and opportunities offered by society in Bosnia and Herzegovina (Available at: http://arsbih.gov.ba/izvjestaj-svjetske-banke/).

[51] eng. The Business Environment and Enterprise Performance Survey, BEEPS, is a research periodically implemented for the countries of the ECE region in cooperation with the European Bank for Reconstruction and Development and the World Bank.

[52] ECA - Europe and Central Asia.

25 per cent. As owners of small and medium-sized enterprises, women often do not have the same status and credibility as men, it is more difficult for them to establish a company, and they need much more effort and time to become accepted in business circles.

164. With regard to Recommendations 34 (a) and (b) UN CEDAW Committee, gender equality standards have largely been incorporated into the legal framework defining work, employment and access to resources. Policies and strategic documents at state and entity level have been adopted to support the equal participation of women and men in labour market.

165. The BiH Employment Strategy was implemented in the period 2010-2014. The Employment Strategy for the FBIH (2009-2013) and the Action Plan for Employment in the FBIH (2010-2013) included measures to increase the employment rate of women, especially the multiple excluded categories of women as a vulnerable group, through the allocated transfers being made from the Budget of the Government of FBiH.

166. The number of women covered by measures of active employment policy in the FBiH is growing year by year, so in seven out of nine measures equal participation of women (from 38.30 per cent to 54.5 per cent) was achieved in 2014.

167. The Strategic Plan for introduction of Gender Responsible Budget into the Budget of the FBiH 2013-2015 included the programme for development of small and medium-sized enterprises in FBiH, providing incentive for development of entrepreneurship of women to 30 crafts and 30 companies with 310 employees, with plans to open 70 new jobs. In 2016, the Federal Ministry of Development, Entrepreneurship and Crafts allocated 350,000 KM as an incentive to female entrepreneurs.

168. The Action Plan for Implementation of the Project for the Development of Small and Medium Enterprises in the FBiH (2016-2018) is aimed at harmonizing the Law on the Promotion of Small Business Development and the Law on Crafts and Related Activities with the BiH GEL. Also, the Strategy for Advancement of Rights and Position of Persons with Disabilities in the FBiH (2016-2021) foresees the activity related to encouraging entrepreneurship of women with disabilities.

169. RS Employment Strategies for the period 2011-2015 and 2016-2020 identified women as an endangered group in the labour market, whereas the principle of gender-based non-discrimination was introduced as a general provision into employment programmes and measures. However, implementation of annual action plans did not provide specific programmes directed at women, especially vulnerable groups of women.

170. A new Law on the Development of Small and Medium Enterprises [53] was adopted in the RS, which prescribes the development of women entrepreneurship through adoption of support programmes, providing trainings, enabling better access to financing and associating of women entrepreneurs, which was not foreseen in the previous legal act. The Strategy for the Development of Small and Medium Enterprises of RS (2016-2020) has envisaged support to development of women entrepreneurship. With the support of FIGAP financial facility, the Council for the Women Entrepreneurship of the RS Chamber of Commerce was established and the project "Support to Women Entrepreneurship" implemented.

171. FIGAP supported projects in the field of economic empowerment of women that were aimed at promoting female entrepreneurship, retraining and further training for employment and self-employment in accordance with the needs of the labour market.

[53] The Official Gazette of Republika Srpska, number 50/13.

These projects included numerous forms of non-formal education (business start-up, beekeeping, greenhouse-fruit and vegetable growing, development a profitable process of "manual" recycling of waste packaging through local associations and production of used items/souvenirs, IT education) in order to build women's skills to participate in the labour market and start independent businesses.

172. In accordance with Recommendation 34 (c) of UN CEDAW/C/BIH/CO/4-5, BiH signed the Decent Work Country Programme for BiH (2012-2015) with the International Labour Organization (ILO). As an area of critical importance, the need for formalization of informal work was recognized, and within the Programme, workshops were organized and campaign was launched to raise the awareness on the informal sector in which women have greater participation.

173. Share of the grey economy in the gross domestic product reaches a level of around 30 per cent. Labour market surveys regularly point to the lack of official statistics on unemployment, and the reason indicated is a significant employment rate in the informal economy in which women are also represented.

174. Measures for reducing the grey economy labour have a priority in the Reform Agenda for BiH (2015-2018) [54] including activities to prevent low income applications as the basis for calculation and payment of taxes and contributions.

175. Action Plan for the Implementation of the Reform Agenda of the FBIH was adopted, identifying the fight against grey economy as a multisector activity to be pursued by all ministries within their areas of responsibility.

176. In 2015, the BiH Ombudsman Institution issued recommendations to the line ministries to carry out an analysis of the necessary measures to improve or ensure the application of international standards for the protection of workers' rights in both legislation and practice, and strengthen the capacities of inspection bodies.

177. One of the measures that contributes to the implementation of Recommendation 34 (d) UN CEDAW/C/BIH/CO/4-5 is the Proposal for a decision on the cancellation of the Convention on Underground Work for Women, No. 45 from 1935 of the ILO, in order to harmonize this area with the European Social Charter. CoM BiH established this proposal for the decision in April 2017, and the BiH Ministry of Civil Affairs will forward it for the further cancelation procedure.

178. Related to Recommendation 34 (e) UN CEDAW/C/BIH/CO/4-5. Amendments to the GEL (Article 23), as well as the LPD, foresees misdemeanour sanctions in form of fines for all forms of discrimination on all prohibited grounds (including gender). Besides that, the labour and the civil service laws stipulate financial penalties in case of non-compliance, i.e. initiation of disciplinary proceedings against the civil servant who committed an act of discrimination.

179. On Recommendation 34 (g) UN CEDAW/C/BIH/CO/4-5, labour legislation regulates salaries, benefits, allowances for basic salary and special protection for employed women during, before and after the birth of a child, protection of mothers who are breastfeeding, rights of a mother to leave work once a day, for an hour, to breastfeed a child, parental leave after the birth of a child, and maternity leave maternity / parental leave benefits.

180. Measures for reconciliation of professional and private life are envisaged in the BiH GAP (2013-2017), including improvement of provisions on paid maternity leave, paid parental leave for both parents and special measures that make it easier for employees to reconcile professional and family obligation.

[54] Reform agenda for BiH (2015-2018) available at: http://reformskaagenda.ba/akcioni-plan/.

181. The Institution of Human Rights Ombudsman of BiH prepared in 2014, a Special Situation Report on the State of Maternal and Maternity Protection in the FBiH[55] recommending solutions for maternity and child benefit financing, such as the establishing of a special fund, financed from the contributions. Women in the FBiH still do not exercise equal rights to benefits and compensation during the maternity leave. The conditions for exercising and financing these rights are governed by cantonal regulations, leading up to disparities, determined by cantons' abilities to provide funds.

182. The Plan of the Federal Ministry of Labour and Social Policy for 2017 stipulates that maternity rights are regulated by a separate regulation - the Law on the Protection of the Family with Children in the FBiH, which will improve social protection of families with children and ensuring a minimum of equal rights, with funding sources clearly defined.

183. Progress was made in the implementation of Recommendation 34 (g and h) UN CEDAW /C/BIH/CO/4-5. Work legislation[56] of BiH introduced the possibility that both parents use leave after the birth of a child. The leave can be used in two parts: the first part that can be used exclusively by the mother of the child (period when the mother and child need special care), and the other part of leave used as agreed upon by either of the parents. Also, it is foreseen so that the employer cannot refuse to employ a woman because of her pregnancy, nor can he ask for any data in relation to her condition.

184. In 2016 the Government of the FBiH established the Proposal of the Law on Pension and Disability Insurance, which prescribes the conditions for a pension with the lowest age limit in relation to the countries of the region. The proposal was submitted to the Parliament of the FBiH and it is still in the process of adoption. The new RS Labour Law stipulates that number of years required for a pension be reduced by one year for each child she gave birth to, which is different from how it is regulated in the Law on Pension.

185. Survey on socio-economic gender inequalities in the RS revealed that fewer women, in comparison to men, earned the right to a personal retirement pension in their old age: 20.5 per cent of women aged 65 + do not receive any pension compared to only 5.7 per cent of men of the same age; 85 per cent of men receive a pension based on their work experience, compared to just 33 per cent of women aged 65+. Even when they earn a personal retirement pension, women's pensions are lower because they worked less years, and thus they earned less. (Annex II-Graph No. 18).

186. The rights of social protection in BiH are guaranteed by entity laws, while cantonal regulations can expand the circle of social welfare beneficiaries, determine other social welfare rights and determine amounts of financial and other benefits, conditions and procedure for acquiring and exercising these rights.

187. Number of male and female beneficiaries of social protection has decreased, although this does not mean that the position of the most vulnerable categories of the population has improved, but rather that many different factors influenced their number and current situation. For example, in 2014 more juvenile beneficiary women were registered, and the number of adult male beneficiaries was higher. Also, there were more women than men in the category of juvenile users affected by the family

[55] Available at: http://www.ombudsmen.gov.ba/documents/obmudsmen_doc2015102111102085bos.pdf.

[56] Law on Work in the Institutions of BiH 32/13, Law on the Work of the Republic of Srpska Official Gazette of the Republic of Serbia, No. 1/16, Law on the Work of the Federation of Bosnia and Herzegovina Official Gazette of FbiH, No. 26/16, Law on the Work of the Brčko District of BiH – consolidated text from 2006.

situation, as well as in the adult group of mentally ill and those of socially unacceptable behaviour.

188. In homes for children and youth without parental care, there is approximately the same number of boys and girls. There are more women in almost all categories among adult persons in social care institutions, including elderly persons. Women represent 3/4 employees in social welfare centres and homes for children and youth without parental care. (Annex II-Graphs No. 20, 21, 22, 23 and 24 and table No. 32, 33, 34 and 35).

Article 12: Equal access to health care

189. The area of health in BiH is under the jurisdiction of entities and cantons and BD BiH. In the reporting period, in accordance with Final Recommendation 36 (a) CEDAW/C/BIH/CO/4-5, the progress was made on harmonization of laws, regulations and strategies governing the field of health and health care, incorporating domestic and international standards for gender equality.

190. Amendments to the Law on Health Care of the Republic of RS stated, inter alia, that primary health care includes the protection of the health of women and children, so that the primary level of protection would be accessible to all individuals, and especially to women. The Policy for Promotion of Sexual and Reproductive Health in the RS (2012-2017) was revised in order to improve rights and health services in this area.

191. According to Multiple Indicator Cluster Survey for BiH (MICS) in 2012, contraception (any method) is used by 43.3 per cent of women who are married or in some form of unity, giving preference to traditional methods (33.3 per cent) compared to 10 per cent of women using modern methods. No significant progress was made in relation to the previous reporting period. The percentage of women using, or whose partners use, some form of contraception, is estimated at 49 per cent.

192. Number of women dying from complications related to pregnancy and childbirth has halved over the past 20 years and maternal mortality rate is significantly lower than the EU average. 99.96 per cent deliveries are performed with the help of professional staff. One in seven women in BiH delivers by Caesarean section (14 per cent), which is a trend on a rise.

193. The infant mortality rate was significantly reduced and it is lower than the average in the region. Leading causes of infant deaths in 2015 include disorders associated with shorter pregnancy and newborn's low weight. (Annex II-Graphs No. 27 and 28).

194. There is a gradual decline in fertility in the last 20 years. The average age of the parturient woman exceeds the optimal age limit of 25 years. (Annex II-Tables No. 2 and 3).

195. At the BiH level, there is neither reliable statistics, nor systematic and consolidated way of collecting data on interruptions of pregnancy / abortions. The family planning approach and sharing responsibilities of men and women for family planning are not at the satisfactory level and, only a small number of women visits family planning consultations.

196. There is no Law on Treatment of Infertility with Biomedical Assisted Infiltration at the BiH level, and this issue is resolved in different ways in FBiH, RS and BD BiH. Based on initiative of the GEC PA BIH in 2015, a group of experts created a Proposal of the Framework Law on the Treatment of Infertility by Biomedical Assisted Infiltration in BiH which has not yet entered the parliamentary procedure.

197. Since 2012, the Health Insurance Fund of RS finances two artificial insemination procedures and the right to co-finance is provided to women under the age of 42. In May 2012, Draft Law on medical intrauterine insemination in FBIH was sent to parliamentary procedure, however it was withdrawn at the request of one of the parliamentary parties.

198. Decision on establishing the basic health-care package in FBiH has determined that cantonal health insurance institutes can finance up to two attempts for artificial insemination for women younger than 37, but implementation of this decision depends on the available financial resources of each canton. At the federal level, one free procedure is enabled for couples with disabilities, funds provided from the FBiH Solidarity Fund.

199. The medical change of sex is still not legally or procedurally regulated in BiH. Transgender persons from BiH perform the change of sex abroad. Initiatives aimed at improving the position of transgender people as well as interspersed persons were mostly initiated by non-governmental organizations.

200. Education on health care, especially education on sexual and reproductive health, is still not sufficiently represented in primary schools in BiH. In few elementary schools, the facultative course "Healthy Lifestyles" was introduced aimed at raising awareness, change of way of thinking and living habits. The drafting of a new strategy for youth in FBiH is in progress, which envisions activities in the field of sexual and reproductive health, family planning and demography, including systematic introduction of these topics in school curricula and programmes.

201. In September 2011, the CoM BiH adopted the Strategy for Response to HIV and AIDS in BiH (2011-2016) with the Action Plan.[57] Measures defined by the Strategy were implemented through a HIV/AIDS Prevention and Treatment Programme in BiH, funded by the Global Fund for combating AIDS.

202. The Platform for the Advisory Committee on Fight against HIV/AIDS for BiH (NAB) and CCM BiH is a good example of co-operation between government and civil society. HIV programmes have established a system of anonymous and free services while stigma and discrimination are being reduced.

203. Since the first diagnosed case of HIV infection in BiH, in 1986 until the end of November 2016, a total of 314 cases of HIV infection have been registered in BiH. During the year 2016, there were 24 new cases of HIV infection registered (13 FBiH and 11 RS), out of which 22 cases were male.

204. Many unemployed women in rural areas do not use the right to health insurance because of not being registered with employment bureau, while many married rural women depend on husbands to register them as employees on farming household to access health insurance.

205. An initiative for inclusion of Roma in health insurance system was initiated by ensuring that non-insured Roma are insured under category of socially vulnerable persons. Significant moves were made in the 5 cantons of FBiH, especially in Tuzla Canton.

206. Accessibility for persons with disabilities to health services is regulated through abolition of architectural barriers and the obligation of the health-care institution to provide sign language assistants, or information in the language that is understandable to person. However, in most institutions, this practice has not yet been established. One of the major problems is the lack of support for people, and this is usually a woman who cares about people with a 100-degree disability.

[57] The Official Gazette of BiH, number 06/13.

207. In 2015, Recommendations for Improving the Position of Women with Disabilities in RS, was adopted by the RS Government, stressing importance of the position of this target group, including access to health services, within institutional and wider contexts.

208. By implementing the Mental Health Project in BiH, services have been improved and capacities of mental health service providers were strengthened.

209. The quality of health services provided to female prisoners in prisons and penitentiaries is still at the unsatisfactory level, due to the insufficient resources and medical staff.

210. The problems faced by internally displaced and returnee women are uneven regulations on the use of health care in the territory of BiH, if they are outside the area of the entity they belong to, and the fear of losing the rights acquired in the places of displacement. An additional problem is missing the deadlines for reporting to the Employment Service, through which the health care is provided, and insufficient awareness among returnees and displaced populations.

211. The main obstacle to meeting the social and health needs of the elderly is a permanent lack of financial resources. The older population is mostly women, and mostly widows, their predominant source of income is pension, which are mostly low.

212. The Law on Foreigners[58] and the Law on Asylum in BiH[59] are in line with the GEL. While a person is in the status of a seeker of international protection, the MoS BiH provides: accommodation, nutrition, access to health care, free legal aid, psychosocial support, education and access to the labour market, unless the request has expired within the statutory deadline. Laws prohibit gender related discrimination, with particular attention being paid to risk groups that are at risk of abuse and sexual exploitation.

Article 13: Other areas of economic and social life

213. The laws regulating access to and use of loans in BiH provided equal access under the same conditions to all, but in practice women apply and use these funds to a much lesser extent (e.g. 8 per cent in RS) because minority of women has ownership of land and other real estate (loan collateral).

214. In RS, a Guarantee Fund was established to support the development of entrepreneurship (legal and natural persons) with premises or residence in RS. The fact that banks accept only fixed mortgages or guarantors as guarantee tools prevents or discourages a large number of women from applying for loans. There are for fact a small number of women-owned enterprises to use the guarantees available within this fund.

215. The field of sports in BiH is regulated by the Law on Sports in BiH.[60] The new Law on Amendments to the Law on Sports[61] in BiH is in line with the GEL, introducing provisions on prohibiting gender discrimination and guaranteeing equal access and equal participation in sports activities, regardless of gender, as well as equal representation of men and women when appointing to the BiH Sports Council.

216. In the FBiH, 23 per cent of active members of sports organizations are women. Regarding sports transfers of significance for the FBiH, the Expenditure Programme in 2015 includes gender equality criteria.

[58] The Official Gazette of BiH, number 88/15.
[59] The Official Gazette of BiH, number 11/16.
[60] The Official Gazette of BiH, number 27/08 i 102/09.
[61] The Official Gazette of BiH, number 66/16.

217. The Federal Ministry of Culture and Sports also included gender criteria for transfers to the area of culture encouraging projects' focus on gender equality issues, redefining gender relations and changing cultural patterns to promote gender equality.

Article 14: Rural women

218. Women's work in the rural area is not sufficiently valued and includes work in the household, family responsibilities, farm work at family land and sometimes the work outside the home. Laws, policies and priorities related to agriculture and rural development are not sufficiently harmonized between the two entities in BiH, including their harmonization with national and international standards for gender equality.

219. The FBiH rural development programme (2016-2020) foresees special measures for women, such as special methods for ranking female applicants for projects by awarding additional 20 per cent points, and increasing the level of support for such projects by 5 per cent.

220. In the RS, a new Strategic Plan for the Development of Agriculture and Rural Areas (2016-2020) was adopted, with special emphasis on regulating property issues, property ownership and access to economic resources, supporting women's rural associations and enabling their involvement in decision-making related.

221. During the reporting period and by 2015, the first Action Plan for Improving the Position of Rural Women in RS was implemented, thus representing a temporary special measure within the 2009-2015 Strategic Rural Development Plan. Measures included economic empowerment of women and strengthening role of rural women in the development of local communities. Although the measures were initially provisional, they became part of regular annual work plan of the RS Ministry of Agriculture, Forestry and Water Management, ensuring their sustainability in the future.

222. A new Rulebook on the conditions and method of achieving financial incentives for the development of agriculture and rural communities in RS,[62] was adopted, stipulating that the right to incentive funds for the development of business activities apply to associations of agricultural producers and women's associations.

223. Using FIGAP, GCRS allocated funds to institutions and non-governmental organizations for implementation of concrete support measures for women to start independent and / or family business in the fields of agricultural production, livestock breeding, cooperatives, tourism and general rural development through counselling services, incentives, bank loans and guarantees. These programmes, which included co-financing from the Ministry of Agriculture, resulted in significant increase in the number of requests of women's associations for co-financing of specific business activities by 39 per cent, increase in the involvement of women in associations and cooperatives, and over 14 per cent of the women owning the farms.

224. With regard to quality of life in rural areas and accessibility to services, there were only few investments and measures specifically aimed at women and girls.

225. International Women's Day in the Rural Areas is traditionally celebrated on 15 October each year in BiH. Campaign "EQUALLY! for women in the rural areas" is regularly carried in the RS, increasing visibility of rural women's contribution to society and improve their position.

226. The Federal Employment Agency has implemented the Rural Enterprise Subsidy Programme, which has increased the number of entrepreneurs engaged in

[62] The Official Gazette of Republika Srpska, number 27/16.

agricultural affairs, and the trend of engagement of unemployed women in rural areas was evident. 22,034 applications for women's incentives were received in 2013, which makes 30 per cent of total applications received confirming the tendency of increasing the number of female applications comparing to 2012 (16,347 applications) or 2011(12,383 applications).

227. Tourism in rural households represents a great potential for development. Municipal development plans in FBiH put an emphasis on production of organic food and rural tourism where women can achieve greater engagement.

228. Until 2013, 70 per cent of landowners in BiH were men, while a small increase (2 per cent) in the share of women owners has been recorded since. The registration of agricultural holdings is advancing and affecting the improvement and access to agricultural incentives, and encourages women to take proactive role in rural farming incentive programmes, as well as in programmes linked to improving the quality of tourist destinations.

Part IV

Article 15: Equality before the law

229. There were no changes in BiH in the reporting period related to this Convention.

Article 16: Marriage and family relations

230. Family Law of the Federation BiH[63] and the Family Law RS,[64] were amended in 2014. The FBIH amendments stipulate that before initiation of divorce proceedings a spouse or both spouses who have children, and during the pregnancy, are obliged to apply for mediation. The RS amendments provide for protection of the child's right to live with parents and for parents to care for them above all, and this right may be limited only when it is found to be in the best interest of the child. The children are guaranteed protection from any form of neglect, violence, abuse and exploitation. Furthermore, the definition of a single parent was introduced, and defined as a parent who independently exercises parental rights over a child whose other parent has either died or is unknown.

231. After a record low number of marriages in 2013, increase was recorded over past three years, as well as an increase in divorces. (Annex II-Charts 38, 39 and 40, and Graph No. 38).

232. Early marriages are present among Roma. In 2013, the MHRR BIH published Guidelines for Improving the Position of Roma Children in BiH while in order to prevent early marriages phenomenon, the campaign is conducted through the programmes implemented by the institutes for health care and Roma mediators.

[63] The Official Gazette of FBIH, No. 35/05, 41/05 and 31/14.
[64] The Official Gazette of Republika Srpska, No. 54/02, 41/08 and 63/14.